

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	<u>STIPULATION AND ORDER</u>
	:	
-v.-	:	22 Cr. 675 (PGG)
	:	
LAWRENCE BILLIMEK,	:	
	:	
Defendant.	:	
	:	
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WHEREAS, on or about December 12, 2022, LAWRENCE BILLIMEK (the “Defendant”), and another, was charged in a three-count Sealed Indictment, 22 Cr. 675 (PGG) (the “Indictment”), with conspiracy to commit securities fraud and wire fraud, in violation of Title 18, United States Code, Section 371 (Count One); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Section 240.10b-5, and Title 18, United States Code, Section 2 (Count Two); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Three);

WHEREAS, the Indictment contained a forfeiture allegation with respect to Counts One through Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all property, real and personal, that constitute or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Three of the Indictment, including but not limited to the following specific property: the real property located at 25 South Club View Drive, Hailey, Idaho (the “Subject Property”);

WHEREAS, on or about December 14, 2022, the Government filed a lis pendens

(the “Lis Pendens”) against the Subject Property with the Blaine County Clerk’s Office;

WHEREAS, the Government has learned that the Subject Property is owned by 25 Club View, LLC (the “LLC”);

WHEREAS, the Government has learned that the LLC is comprised of Class A members consisting of Mike Fox, Delaney Fox, and Sierra Fox (collectively, the “Class A Members”) and a Class B member consisting of the Defendant;

WHEREAS, the Government has learned that the Defendant made a capital contribution of \$500,000 to the LLC for its purchase of the Subject Property (the “Contribution”);

WHEREAS, the Government asserts that the Contribution constitutes proceeds traceable to the offenses charged in Counts One through Three of the Indictment;

WHEREAS, the Defendant has agreed to sell, convey and transfer to the LLC all of his rights, title, estates and membership interest in the LLC in exchange for the return of the Contribution; and

WHEREAS, the LLC and the Defendant have agreed to remit \$500,000 in United States currency to the Government representing the Contribution received by the LLC which will be held in the Seized Asset Deposit Fund pending the resolution of this criminal matter;

1. IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney DAMIAN WILLIAMS, United States Attorney, Assistant United States Attorney Daniel M. Tracer, the Defendant, and his counsel, Telemachus P. Kasulis, Esq., and the LLC, and its counsel, Jared C. Kimball, Esq., that: Upon entry of this Stipulation and Order, the LLC shall transfer \$500,000 in United States currency to the Government in a manner to be provided by the

Government to counsel for the LLC (the “Payment”), and, without any further notice or action, Defendant shall be deemed to have sold, conveyed and transferred to the LLC all of his rights, title, estates and membership interest in the LLC.

2. Upon receipt of the Payment, the Government shall (within seven (7) business days) then record a Release of Lis Pendens for the Subject Property with the Clerk of the Court, Blaine County, Idaho.

3. The Payment shall be held on deposit in the Seized Asset Deposit Fund during the pendency of this criminal matter and shall be the substitute *res* for the Subject Property and will serve as a substitute res for the Subject Property in the above-captioned case, with all claims and defenses applicable to the Subject Property, including any other action that may be brought by the United States Attorney’s Office (“USAO”) for forfeiture of the Subject Property or claims by third parties, to apply instead to the Substitute Res.

4. The terms of this Stipulation and Order shall be subject to approval by the Court.

5. The Parties agree to execute any documentation to implement the terms of this Stipulation and Order.

6. The Parties hereby agree to waive all rights to appeal or otherwise challenge or contest the validity of this Stipulation and Order.

7. This Stipulation and Order shall in no way be deemed an admission of culpability, liability, or guilt on behalf of the Parties, or any of their respective agents, officers, or employees, past and present.

8. Each party shall bear its own costs and fees, including attorney’s fees.

9. This Court will have exclusive jurisdiction over the interpretation and

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enforcement of this Stipulation and Order.

10. Each party signing this Stipulation and Order warrants that they are authorized to sign this Stipulation and Order on behalf of the party for whom their signature appears.

11. This Stipulation and Order constitutes the complete agreement between the Parties and may not be amended except by written consent of the Parties.

12. The signature pages of this stipulation may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. A facsimile or electronic image of the original signature of any party executing this Stipulation and Order shall be deemed an original signature, and shall constitute an original as against the party whose signature appears in the facsimile or electronic image.

AGREED AND CONSENTED TO:
DAMIAN WILLIAMS
United States Attorney
Southern District of New York

By: Jason A. Richman
Jason Richman / Daniel Tracer
Assistant U.S. Attorneys
One St. Andrew's Plaza
New York, New York 10007
Tel. No. (212) 637-2589/2329

2/13/2023

DATE

DEFENDANT

By: Lawrence Billimek
Lawrence Billimek

2/9/2023
DATE


[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

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By: /s/ Telemachus P. Kasulis
 Telemachus P. Kasulis, Esq.
Counsel for the Defendant
 Morvillo Abramowitz Grand
 Iason & Anello PC
 565 Fifth Avenue
 New York, New York 10017

2/13/2023
 DATE

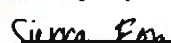
25 CLUB VIEW, LLC

By: 
~~Mike Fox~~
 Manager/Member of 25 Club View,
 LLC

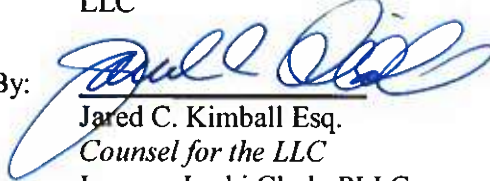
2/9/2023
 DATE

By: 
~~Delaney Fox~~
 Manager/Member of 25 Club View,
 LLC

2/9/2023
 DATE

By: 
~~Sierra Fox~~
 Manager/Member of 25 Club View,
 LLC

2/9/2023
 DATE

By: 
 Jared C. Kimball Esq.
Counsel for the LLC
 Lawson Laski Clark, PLLC
 675 Sun Valley Road, Suite A
 Ketchum, Idaho 83340

2.9.23
 DATE

SO ORDERED:

HONORABLE PAUL G. GARDEPHE
 UNITED STATES DISTRICT JUDGE

DATE